
STATUTORY INSTRUMENTS

2017 No. 571

**The Town and Country Planning (Environmental
Impact Assessment) Regulations 2017**

PART 4

Preparation of environmental statements

Scoping opinions of the local planning authority

15.—(1) A person who is minded to make an EIA application may ask the relevant planning authority to state in writing their opinion as to the scope and level of detail of the information to be provided in the environmental statement (a “scoping opinion”).

(2) A request under paragraph (1) must include—

(a) in relation to an application for planning permission—

- (i) a plan sufficient to identify the land;
- (ii) a brief description of the nature and purpose of the development, including its location and technical capacity;
- (iii) an explanation of the likely significant effects of the development on the environment; and
- (iv) such other information or representations as the person making the request may wish to provide or make;

(b) in relation to a subsequent application—

- (i) a plan sufficient to identify the land;
- (ii) sufficient information to enable the relevant planning authority to identify any planning permission granted for the development in respect of which the subsequent application is made;
- (iii) an explanation of the likely significant effects on the environment which were not identified at the time planning permission was granted; and
- (iv) such other information or representations as the person making the request may wish to provide or make.

(3) An authority receiving a request under paragraph (1) must, if it considers that it has not been provided with sufficient information to adopt a scoping opinion, notify the person making the request of the points on which it requires additional information.

(4) An authority must not adopt a scoping opinion in response to a request under paragraph (1) until it has consulted the consultation bodies, but must, subject to paragraph (5), within 5 weeks beginning with the date of receipt of that request for a scoping opinion, or such longer period as may be agreed in writing with the person making the request, adopt a scoping opinion and must send a copy to the person who made the request.

(5) Where a person has, at the same time as making a request for a screening opinion under regulation 6(1), asked the authority for an opinion under paragraph (1), and the authority has adopted a screening opinion to the effect that the development is EIA development, the authority must, within 5 weeks beginning with the date on which that screening opinion was adopted, or such longer period as may be agreed in writing with the person making the request, adopt a scoping opinion and must send a copy to the person who made the request.

(6) Before adopting a scoping opinion the authority must take into account—

- (a) any information provided by the applicant about the proposed development;
- (b) the specific characteristics of the particular development;
- (c) the specific characteristics of development of the type concerned; and
- (d) the environmental features likely to be significantly affected by the development.

(7) Where an authority fails to adopt a scoping opinion within the relevant period mentioned in paragraph (4) or (5), the person who requested the opinion may under regulation 16(1) ask the Secretary of State to make a direction as to the information to be provided in the environmental statement (a “scoping direction”).

(8) Paragraph (7) applies notwithstanding that the authority may not have received the additional information which it has sought under paragraph (3).

(9) An authority which has adopted a scoping opinion following a request under paragraph (1) shall not be precluded from requiring of the person who made the request additional information in connection with any statement that may be submitted by that person as an environmental statement in connection with an application for planning permission or a subsequent application for the same development.